

(e) ADVISORY COMMITTEES CONTAINING SPECIAL GOVERNMENT EMPLOYEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is further amended by adding at the end the following new subsection:

“(e) SPECIAL GOVERNMENT EMPLOYEES.—Committee members appointed as special government employees shall not be considered full-time or part-time officers or employees of the Federal Government for purposes of determining the applicability of this Act under section 3(2).”

SEC. 4. INCREASING TRANSPARENCY OF ADVISORY COMMITTEES.

(a) INFORMATION REQUIREMENT.—Section 11 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) by striking the section designation and heading and inserting the following:

“SEC. 11. DISCLOSURE OF INFORMATION.”;

(2) by redesignating subsection (a) as subsection (d) and in that subsection—

(A) by inserting the following subsection heading: “AVAILABILITY OF PAPER COPIES OF TRANSCRIPTS.—”; and

(B) by inserting after “duplication,” the following: “paper”;

(3) by striking “(b)” and inserting “(e) AGENCY PROCEEDING DEFINED.—”; and

(4) by inserting before subsection (d), as redesignated by paragraph (2), the following new subsections:

“(a) IN GENERAL.—With respect to each advisory committee, the head of the agency to which the advisory committee reports shall make publicly available in accordance with subsection (b) the following information:

“(1) The charter of the advisory committee.

“(2) A description of the process used to establish and appoint the members of the advisory committee, including the following:

“(A) The process for identifying prospective members.

“(B) The process of selecting members for balance of viewpoints or expertise.

“(C) A justification of the need for representative members, if any.

“(3) A list of all current members, including, for each member, the following:

“(A) The name of any person or entity that nominated the member.

“(B) The reason the member was appointed to the committee.

“(C) Whether the member is designated as a special government employee or a representative.

“(D) In the case of a representative, the individuals or entity whose viewpoint the member represents.

“(E) Any conflict of interest relevant to the functions to be performed by the committee.

“(4) A list of all members designated as special government employees for whom written certifications were made under section 208(b) of title 18, United States Code, a summary description of the conflict necessitating the certification, and the reason for granting the certification.

“(5) A summary of the process used by the advisory committee for making decisions.

“(6) Transcripts or audio or video recordings of all meetings of the committee.

“(7) Any written determination by the President or the head of the agency to which the advisory committee reports, pursuant to section 10(d), to close a meeting or any portion of a meeting and the reasons for such determination.

“(8) Notices of future meetings of the committee.

“(9) Any additional information considered relevant by the head of the agency to which the advisory committee reports.

“(b) MANNER OF DISCLOSURE.—

“(1) Except as provided in paragraph (2), the head of an agency shall make the infor-

mation required to be disclosed under this section available electronically on the official public internet site of the agency at least 15 calendar days before each meeting of an advisory committee. If the head of the agency determines that such timing is not practicable for any required information, he shall make the information available as soon as practicable but no later than 48 hours before the next meeting of the committee. An agency may withhold from disclosure any information that would be exempt from disclosure under section 552 of title 5, United States Code.

“(2) The head of an agency shall make available electronically, on the official public internet site of the agency, a transcript or audio or video recording of each advisory committee meeting not later than 30 calendar days after the meeting.

“(c) PROVISION OF INFORMATION BY ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of General Services shall provide, on the official public internet site of the General Services Administration, electronic access to the information made available by each agency under this section.”

(b) CHARTER FILING.—Section 9(e) of the Federal Advisory Committee Act (5 U.S.C. App.), as redesignated by section 2, is amended—

(1) by striking “with (1) the Administrator,” and all that follows through “, or” and inserting “(1) with the Administrator and”;

(2) by striking “and” at the end of subparagraph (I);

(3) by striking the period and inserting a semicolon at the end of subparagraph (J); and

(4) by adding at the end the following new subparagraphs:

“(K) the authority under which the committee is established;

“(L) the estimated number of members and a description of the expertise needed to carry out the objectives of the committee;

“(M) a description of whether the committee will be composed of special government employees, representatives, or members from both categories; and

“(N) whether the committee has the authority to create subcommittees and if so, the agency official authorized to exercise such authority.”

SEC. 5. COMPTROLLER GENERAL REVIEW AND REPORTS.

(a) REVIEW.—The Comptroller General of the United States shall review compliance by agencies with the Federal Advisory Committee Act, as amended by this Act, including whether agencies are appropriately appointing advisory committee members as either special government employees or representatives.

(b) REPORT.—The Comptroller General shall submit to the committees described in subsection (c) two reports on the results of the review, as follows:

(1) The first report shall be submitted not later than one year after the date of promulgation of regulations under section 2.

(2) The second report shall be submitted not later than five years after such date of promulgation of regulations.

(c) COMMITTEES.—The committees described in this subsection are the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 6. DEFINITIONS.

Section 3 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following new paragraphs:

“(5) The term ‘representative’ means an individual who is not a full-time or part-time

employee of the Federal Government and who is appointed to an advisory committee to represent the views of an entity or entities outside the Federal Government.

“(6) The term ‘special Government employee’ has the same meaning as in section 202(a) of title 18, United States Code.”

SEC. 7. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of the enactment of this Act, except as otherwise provided in section 2(c)(1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5687, the Federal Advisory Committee Act Amendments of 2008.

H.R. 5687, which I introduced along with Chairman WAXMAN on April 3, 2008, was reported out of the Committee on Oversight and Government Reform on May 15 of 2008. The FACA amendments will improve the balance, transparency, and independence of Federal advisory committees.

Congress passed FACA in 1972 to address the rising costs and lack of accountability among Federal advisory committees. However, FACA has been undermined by loopholes that have been created over the years.

H.R. 5687 strengthens FACA by closing those loopholes. For example, the bill clarifies that FACA applies to subcommittees, ensuring that agencies cannot avoid the requirements of FACA by conducting business through subcommittees. The bill also increases the disclosure requirements for advisory committees and requires agencies to obtain conflict of interest disclosures.

As amended, H.R. 5687 takes into account recommendations made by the Office of Government Ethics and other stakeholders. The amendment makes the conflict of interest restrictions on advisory committee members more workable while preserving the bill's requirement of public disclosure. The amendment also clarifies that agencies have the authority to require advisory committee members to recuse themselves when the committee's work will impact their personal interests.

Mr. Speaker, this legislation will improve the advisory committee process. I urge my colleagues to support passage.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.